

Document No. 1285

A G E N D A

1. Recognition of Protocol concerning entrance of Hungary into Three Power Treaty between Japan, Germany and Italy.
2. Recognition of Protocol concerning entrance of Romania into Three Power Treaty between Japan, Germany and Italy.
3. Recognition of Protocol concerning entrance of Slovakia into Three Power Treaty between Japan, Germany and Italy.
4. Revision of the Ceremonial Law.
5. Special appointment of censors of the Home Ministry.

RECORD OF THE MEETING OF THE PRIVY COUNCIL

Meeting opens at 10:20 A.M., Wednesday, December 18, 1940

His Imperial Majesty Enters

Present:-

President HARA
Vice-President SUZUKI

Ministers:

Prime Minister KONOYE	(No. 5)
Welfare Minister ZANBUNTSU	(No. 6)
Overseas Minister AKITA	(No. 7)
War Minister TAJI	(No. 8)
Foreign Minister MATSUOKA	(No. 9)
Education Minister HOSHINA	(No. 10)
Commerce & Industry Minister KOHAYASHI	(No. 11)
Finance Minister KAWADA	(No. 12)
Home Minister YASUI	(No. 13)
Justice Minister KAJI	(No. 14)
Communications Minister MURATA	(No. 15)
Agriculture & Forestry Minister ISHIGURO	(No. 16)
Navy Minister OKAWA	(No. 17)
Railways Minister OGAWA	(No. 18)

Councillors:-

Councillor KAWAI	(No. 21)
Councillor ISHII	(No. 22)
Councillor ARIMA	(No. 23)
Councillor KUBOTA	(No. 24)
Councillor ISHIZUKA	(No. 25)
Councillor SHIMIZU	(No. 26)
Councillor MINAMI	(No. 27)
Councillor NARA	(No. 28)
Councillor ARAKI	(No. 29)
Councillor MATSUI	(No. 30)
Councillor SUGAWARA	(No. 31)
Councillor MATSUURA	(No. 32)
Councillor USHIO	(No. 33)
Councillor HAGASHI	(No. 34)
Councillor FUKAI	(No. 35)
Councillor FUTAGAMI	(No. 36)
Councillor MANO	(No. 37)
Councillor OSHIMA	(No. 38)
Councillor OBATA	(No. 39)
Councillor TAKEKASHI	(No. 40)
Councillor MITSUCHI	(No. 41)

Absent:-

Imperial Princes:-	Prince YASUHIITO	(No. 1)
	Prince NOBIHIITO	(No. 2)
	Prince TAKAHIITO	(No. 3)
	Prince KOTOHIITO	(No. 4)

Councillors:-	Councillor KANEKO	(No. 20)
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Delegates (Government Delegates)

Director of the Legislation Bureau MURASE
Councillor of the Legislation Bureau MORIYAMA
(The above two concerning each item on the Agenda)

Director of the Europe & Asia Bureau (Foreign Ministry)
SAHAMOTO
Director of the Treaty Bureau (Foreign Ministry) MATSUMOTO
The above two concerning Items 1, 2 and 3

President of the Board of Decorations SEKO
Secretary of the Board of Decorations MURATA
(The above two concerning Item 4)

Director of the Polia Bureau (Home Ministry) FUJIWARA
(The above concerning Item 5)

Reporting member:-

Chief Secretary HORIE

Secretaries:-

Secretary MOROHASHI
Secretary TAKATSUJI

President (HARA)

The meeting is called to order.

I submit the following three items together as the subject for discussion:-

1) Recognition of Protocol concerning entrance of Hungary into Three Power Treaty between Japan, Germany and Italy.

2) Recognition of Protocol concerning entrance of Romania into Three Power Treaty between Japan, Germany and Italy.

3) Recognition of Protocol concerning entrance of Slovakia into Three Power Treaty between Japan, Germany and Italy.

According to precedent, we shall dispense with the Readings, restrict ourselves to the main points of the bill, omit the reading and immediately call for the report of the investigation.

Reporting Member (HORIE)

Respectfully investigating these three items, I beg to state the following:-

Soon after the signing of the Three Power Treaty between Japan, Germany and Italy, on September 27th of this year at Berlin, the German Government conveyed to the Imperial Japanese Government their desire that Hungary be allowed to enter the above-mentioned Three Power Pact, and asked for our opinion. Therefore, the Imperial Japanese Government replied that it had no objections. Following this, the German Government showed us the draft of the Protocol concerning Hungary's entrance into the above-mentioned treaty, and moreover told us on this occasion that it desired the early realization of this because of the European situation. Next the German Government told us it desired the entrance of Romania and Slovakia into the above-mentioned treaty, that it hoped for the realization of this as soon as possible, and as before asked for our consent. Therefore, the Imperial Japanese Government transmitted its consent to the draft of the Protocol, and at the same time, granted the desire of the German Government, and under the condition of receiving the recognition of the Government, caused our plenipotentiaries to sign the Protocol for Hungary on November 20th at Vienna, for Romania on November 23rd and for Slovakia on November 24th, both at Berlin.

The form and contents of the three Protocols are completely identical. They are composed of three articles. Japan, Germany and Italy are the contracting powers on one side while on the other side the contracting powers are Hungary, Romania, and Slovakia as the case may be. Between these two contracting powers, the following points are agreed upon:

1) Hungary, Romania and Slovakia are to join the Three Power Treaty between Japan, Germany and Italy signed at Berlin on September 27, 1940.

Hungary, Romania and Slovakia may cause their representatives to participate in the mixed commissions provided for in Article 4 of the above-mentioned treaty whenever problems concerning the interests of these three countries are discussed by the Commissions.

The main body of the above-mentioned treaty is to be appended to the Protocol as a Supplement. The Protocol will be drawn up in Japanese, German and Italian and Hungarian, Romanian and Slovakian as the case may be. Each of these texts will be considered official.

By the conclusion of this treaty Hungary, Romania and Slovakia recognize the leading position of Germany and Italy in Europe and the leading position of Japan in Greater East Asia, and will also cooperate with Japan, Germany and Italy in making efforts for the construction of a new world order. The six countries of Japan, Germany, Italy, Hungary, Romania and Slovakia have pledged each other that if any one of them is attacked by a country not at present involved in either the European war or the Sino-Japanese hostilities, the six countries will aid each other with all possible means, and that these points will have no influence on the existing political situation between each of these countries and the Soviet Union.

We believe that the three items under consideration are in accordance with principles of the preamble of the Three Power Treaty previously concluded between Japan, Germany and Italy; that in order that Hungary, Romania, and Slovakia might join the treaty the interested countries have decided to conclude an agreement in the form of a protocol, and that this will be of service in strengthening the Japan-Germany-Italy Axis and in realizing the final purpose of the Three Power Treaty. For these reasons the conclusion of this agreement may be called an opportune step, and its articles may also be recognized as presenting no difficulties. Thus we consider that each of these three items should be passed as they stand.

The above is a respectful report on the results of the investigation.

No. 36 (FUTAKAMI)

The protocols under consideration will expand the Three Power Treaty between Japan, Germany and Italy, and are a very serious matter because circumstances may arise in which our country will bear the duty of giving military aid to Hungary, Romania, and Slovakia and of going to war for them. Therefore, I wish to ask two or three questions. First, in what position are these three countries to enter the Three Power Treaty? That is, what is the meaning of the word entrance in these protocols? As there are no special stipulations concerning the Three Power Treaty other than the article regarding the Mixed Technical Commission in the protocols, we may consider the above-mentioned three countries have the same rights and duties as Japan, Germany and Italy as far as the other articles of the treaty are concerned. In that case, regarding the second article of the treaty, Germany, Italy, Hungary and the other two countries in Europe? Since the chief object of the Three Power Treaty is to establish the two great co-prosperity spheres of Europe and Greater East Asia, is it not right to understand it in the above-mentioned manner?

Delegate (MATSUMOTO)

The Honorable Councillor's theory concerning Article 2 of the Three Power Treaty is correct, but as to Article 1, our country does not recognize the position of Germany, Italy, Hungary and the other two countries in Europe; our country and Hungary and the other two countries recognize the

the leading position of Germany and Italy in Europe. In other words, we understand that Hungary and the other two countries recognize the leading position of Germany and Italy, and of Japan, in Europe and Greater East Asia, respectively.

No. 36 (FUTAKAMI)

Such an explanation would be convenient for Germany and Italy, but would not be convenient for Hungary and the other two countries. To cause a country to join a treaty in order to recognize the leading position of another country, and not to have one's own country's position recognized - that is a very awkward explanation. If the meaning (of the protocols) is indeed as the honorable delegate has answered, it would have been sufficient simply to have said that (Hungary and the other two countries) recognize the stipulations of Articles 1 and 2 of the treaty. Next, regarding the explanation concerning mutual aid among the six countries, there is no doubt that Japan, Germany and Italy, and the three countries who are parties to each of the protocols under consideration bear the obligation of mutual military assistance. What are not clear are the obligations the three countries of Hungary, Romania and Slovakia will bear between each other. From the form of these protocols it does not appear there is any provision for mutual assistance between these three countries. I ask for a reply.

Delegate (MATSUMOTO)

The honorable Councillor's theory is correct and there is some doubt about the wording of the protocols. But in actual practice, since three new countries have joined the Three Power Treaty between Japan, Germany and Italy and since these six countries have entered into a relationship of alliance my interpretation is that when the situation stipulated in Article 3 arises, these three newly-joined countries also bear the obligation of assisting one another.

No. 36 (FUTAKAMI)

If there were an article providing for admissions in the Three Power Treaty, there would be no question, but since there is none, Hungary and the other two countries became one of the contracting parties in the respective protocols, but there is no reason for the arising of any relationship between these three countries. I believe that there is no reason for those who are not parties to a treaty assuming obligations. What is the Government's opinion?

No. 9 (MATSUOKA)

As to the first point of the honorable Councillor's question, it goes without saying that the three countries newly joining the treaty recognized the position of Japan, Germany and Italy when signing the protocol. Regarding this point, I believe that aside from the theory of treaties, as a political theory, there is no room for doubt, and as for the second point, there can also be no doubt. Since the fundamental spirit of the subject under consideration is that the countries party to this treaty act as one in

assisting each other, although there may be doubts on this point as a legal theory, no doubt can arise on it as an actual political problem.

No. 36 (FUTAKAMI)

Since the honorable minister declares himself of the same opinion as far as the interpretation of the treaty goes I hope he will satisfactorily deal with the matter politically. In conclusion I have a question to ask regarding the form of concluding international treaties. Recently, when the Three Power Treaty between Japan, Germany and Italy was submitted to this Council for deliberation only the Japanese text was placed before this Council as the official text of the treaty, and the German and Italian texts were not submitted. Today for the first time I have become aware of its contents when these protocols were placed before us for deliberation. Since I am fully aware of the circumstances of the times I have no intention of disputing about this, but in future I desire that all official texts be submitted to this Council for consideration before asking for the Imperial approval. Among the official texts of the protocols submitted to this Council for consideration are Hungarian, Romanian and Slovakian. These languages, unlike German and Italian, are comprehended by few persons in this country. What methods have the authorities employed to see that these texts agree with the official Japanese text? To give an example, a few years ago there was a plan to conclude a treaty between our country and Ethiopia. When the Imperial approval was almost about to be asked for, it was found on engaging a scholar of the Imperial University to interpret the official text in Ethiopian that there were two or three points on which it differed from the official text in our language. Finally, the draft was discarded and a new treaty drawn up in which French was the official language. While I believe that in all probability much care was taken in comparing the official texts of these protocols, I would like to know how this was done.

Delegate (MATSUMOTO)

As regards the matter pointed out by the honorable Councillor, in view of the precedent concerning the Ethiopian language we have taken due care. There are competent specialists in our country regarding Hungarian and Romanian while Slovakian is a dialect of Russian and there were specialists in the Russian language who comprehended that language. Therefore, we have carefully scrutinized the text, and have also inquired of the German and Italian Embassies concerning this. Thus we have taken every care so that there might be no discrepancy between these texts and the official Japanese text.

No. 26 (SHIMIZU)

When will Germany and Italy recognize the Nanking Government as the Government representing the Republic of China? Also, what attitude will the three countries newly adhering to the Three Power Treaty take regarding the recognition of this Government.

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No. 9 (MATSUOKA)

The Imperial Japanese Government had already discussed the recognition of the Nanking Government with Germany and Italy before our recognition of this Government. Italy is prepared to recognize this Government immediately and I expect that following this, Germany and the other three countries concerned in the protocols under consideration will extend recognition also. However, in regard to the Italian Government, as it is desirable that the Imperial Japanese Ambassador be the doyer of the diplomatic corps accredited to the new Government, we asked the Italian Government to extend recognition after our ambassador had presented his credentials, and obtained their understanding regarding this. Also, as for the time the German Government will extend recognition, there is a delicate problem. That is to say, the Imperial Japanese Government has not yet given up its hope of realizing an all-out peace in China. For this, it is all the more necessary to ask for German assistance on the side lines. But if the German Government should recognize the new Government it will naturally mean the severance of ties with the Changking Government and will only bring about inconveniences. However, I am confident that the German Government will recognize the New Government any time our Government requires.

No. 35 (FUKAI)

Recently a war has broken out between Italy and Greece. Concerning this have there been any negotiations between our Government and the Italian Government regarding the application of the Three Power Treaty?

No. 9 (MATSUOKA)

To date there have been no negotiations between Japan and Italy regarding the application of Article 3 of the Three Power Treaty. I consider that even in future neither Germany nor Italy will demand action by Japan under the interpretation that they have been attacked by Greece.

No. 22 (ISHII)

According to the explanation of the Foreign Office authorities, Hungary commenced negotiations with Germany herself because she desired to join the Japan-Germany-Italy Three Power Treaty, and our country agreed to this through the good offices of Germany. But as regards Romania and Slovakia, Germany urged their adherence and opened negotiations with the Imperial Japanese Government. Moreover, the German Government desired a speedy realization of this, so that the Imperial Japanese Government was unable to take the proper steps and finally concluded the protocols now under discussion by an ad referendum. To begin with, the Three Power Treaty was concluded by the three Great Powers of the world, as far as the Imperial Japanese Government is concerned, there should be no reason for such undue haste in causing these second rate powers to join the Treaty. Furthermore, each of the treaties now under consideration are treaties whose conclusion contains the danger of staking our national fate. Therefore, I consider that

these treaties are not such as should be welcomed by our government. As for Romania, she has a dispute of many years standing with Russia over Bessarabia. Should incidents arise from this, there is fear that, depending on developments, our country may bear the obligation of going to war for that country. Moreover our country has no hope of receiving any assistance from Romania. Germany also, because of her relationship to the Soviet Union will be in the position of looking on with folded arms. In regard to this, there is something I would like to know. Why did Germany drag along these small weak countries and what is the reason for having been in such haste that the Imperial Japanese Government was even unable to take the proper steps in signing the protocols with these countries? Also, what led the Government to agree to the treaties under consideration, in which an occasion will arise wherein Germany will not bear any obligations but our country will.

No. 9 (MATSUOKA)

No diplomatic relations in Europe at the present moment are so complicated and so delicate as those between several powers such as Germany, Italy, Soviet Russia, Great Britain and others in the Balkan Peninsula. GERMANY and ITALY are endeavoring to strengthen their position in the said peninsula to the greatest possible extent for convenience of carrying out their war with GREAT BRITAIN and from the necessity of maintaining friendly relations with, and at the same time, rendering a menace to SOVIET RUSSIA. In taking necessary steps for the purpose the German authorities concerned are most fearful of the divulgence of the secret. If these protocols should leak out before sealing, the object in view could never be attained, which circumstances explain their haste in concluding the agreements. Now in view of the circumstances that have led to the conclusion of the Three Power Alliance, and of the existing international situation, this Empire ought to agree to the enhancement to any extent of GERMANY's position in the Balkan Peninsula, for one of the objectives of the 3-Power Alliance lies in taking advantage of the alliance in order to adjust Russo-Japanese relations. While it is necessary to intensify the close relations between GERMANY and SOVIET RUSSIA based on the interests of the two powers. I deem it a good policy to aggrandize the German menace to SOVIET RUSSIA availing ourselves of the situation to regulate our relations with SOVIET RUSSIA, seeing that SOVIET RUSSIA does not find any menace in JAPAN and is inclined to reject the adjustment of Russo-Japanese relations. From this point of view the Government has agreed to the proposal in question from a conviction that it will be favorable to our diplomacy. It seems that GERMANY intends to include ITALY as well as the BALKAN states within her sphere of influence, and to besiege TURKEY diplomatically in order to take ultimate control of her, thereby obviating the danger of her entry into the war. It is not without reason that GERMANY should request JAPAN her ally to be quick in taking action in connection with the matter. Considering it necessary for the improvement of our international position, especially in Russo-Japanese relations, we have taken the said exceptional action. I hope you will understand these circumstances.

President (HARA)

As there are no other opinions expressed, we shall immediately vote on the matter. All those in favor of the items under consideration, please rise.

(All arise)

President (HARA)

The items have been passed by a unanimous vote.

(Nine pages omitted)

(Translator's Note: The discussion of Items 4 & 5, Revision of the Ceremonial Law and Special Appointment of Censors of the Home Ministry, are omitted as they are purely a matter of form and have no bearing on the present case.)

President (HARA)

The meeting stands adjourned.

His Imperial Majesty Leaves.

Meeting Closed at 11:50 A.M.

President:	Yoshimichi HARA	(Signature)
Chief of Secretary:	Sueo FOFIE	"
Secretaries:	Yuzuru MOROHASHI	"
	Masami TAKATSUGI	"

Doc. No. 1285

C E R T I F I C A T E

W. D. C. No. _____

I. P. S. No. 1285

Statement of Source and Authenticity

I, Shuzo Jimbo hereby certify that I am officially connected with the Japanese Government in the following capacity: Secretary to the President of the Privy Council and that as such official I have custody of the document hereto attached consisting of _____ pages, dated 18 Dec. 1940, and described as follows: Privy Council Proceedings "Recognition of Protocol in Entrance of Hungary Roumania, and Slavokia in Tri-Partite Pact". I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Privy Council in Palace ground.

Signed at Tokyo on this
4th day of September, 1946

/s/ Shuzo Jimbo
Signature of Official

Witness: Kiichi, Chosokabe

SEAL

Official Capacity

Statement of Official Procurement

I, Edward P. Monaghan, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this
4th day of Sept, 1946

/s/ Edward P. Monaghan
NAME

Witness: /s/ J. A. Curtis
2d Lt. M. I.

Investigator, IPS
Official Capacity